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Houweling Utah Operations, Inc.; Houweling's
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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CH₂O, INC.,

Plaintiff,

v.

MERAS ENGINEERING, INC.;
HOUWELING'S NURSERIES
OXNARD, INC.; HNL HOLDINGS
LTD.; HOUWELING UTAH
OPERATIONS, INC.; and
HOUWELING'S NURSERIES LTD.,

Defendants.

Case No. CV-13-8418 JAK (GJSx)

**JOINT REPORT RE JUDGMENT
(PER ORDER D434)**

Hon. John A. Kronstadt

1 On September 22, 2016, the Court stated that “counsel for all parties shall meet
2 and confer, and by October 3, 2016, file a Joint Report stating their collective or
3 respective views as to the following: (i) what, if any issues, have not been decided
4 that would affect the terms of a final judgment in this action; and (ii) as to each such
5 issue(s), a proposed procedure for the resolution of such issue(s) by the Court,
6 including any proposed briefing schedule(s).” (D.I. 434.) Accordingly, the parties
7 file this Joint Report.

8
9 **(i) What, if any issues, have not been decided that would affect the**
10 **terms of a final judgment in this action**

11 The parties have met and conferred and agree that the following issues have not
12 been decided that would affect the terms of a final judgment in this action:

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14 CH₂O:

- 15 • Injunctive relief
- 16 • Enhanced damages
- 17 • Attorney fees

18
19 Defendants:

- 20 • Motions under Rules 50(b) and 59

21
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23 **(ii) As to each such issue(s), a proposed procedure for the resolution of**
24 **such issue(s) by the Court, including any proposed briefing**
25 **schedule(s)**

26 The parties have met and conferred and agree as to the timing of the entry of
27 judgment and the briefing schedule for post-trial motions.

1
2 **A. Timing of the Entry of Judgment**

3 The parties agree that judgment be entered by October 12, 2016 (28 days before
4 the below deadline of November 9 for opening briefs). This follows the approach
5 reflected in the Federal Rules of Civil Procedure that state, for example, that Rule
6 50(b) and Rule 59 motions are due “[n]o later than 28 days after the entry of
7 judgment.” Fed. R. Civ. P. 50(b).

8 The parties also agree to stay execution of the judgment pending resolution of
9 post-trial motions.

10
11 **B. Briefing Schedule for Post-Trial Motions**

12 The parties agree that the they will simultaneously brief the above issues
13 according to the following schedule:

- 14 • November 9 (Wed.): Opening briefs due for all motions
15 • December 1 (Thurs.): Answering briefs due for all motions
16 • December 15 (Thurs.): Reply briefs due for all motions
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1 Dated: October 3, 2016

FISH & RICHARDSON P.C.

2 By: /s/ Christopher S. Marchese

3 Christopher S. Marchese

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Attorneys for Plaintiff, CH₂O, INC.

7 Dated: October 3, 2016

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12 Attorneys for Defendant, Meras
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13 Dated: October 3, 2016

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17 Attorneys for Defendants, Houweling's
Nurseries Oxnard, Inc.; HNL Holdings,
18 Ltd.; Houweling Utah Operations, Inc.;
19 Houweling's Nurseries Ltd.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on October 3, 2016 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system. Any other counsel of record will be served by electronic mail and regular mail.

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